IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 18TH SEPTEMBER 2007 / 27TH BHADRA 1929

WP(C).No. 27465 of 2007(T)

PETITIONER:

MR.K.Y.SADIK MOHAMMED, S/O.BAVA YOUSAF,
KARIKANAMKUDIYIL HOUSE, MUDAVOOR P.O.
MOOVATTUPUZHA, ERNAKULAM DIST.

BY ADV. SRI.C.K.SREEJITH

RESPONDENTS:

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1. THE SUB INSPECTOR OF POLICE, ALUVA,
ERNAKULAM DIST.

2. THE CENTRAL BUREAU OF INVESTIGATION,
REP. BY PROSECUTOR FOR CBI,
HIGH COURT OF KERALA, ERNAKULAM.

3. H.D.F.C.BANK LTD., MATHER SQUARE,
OPP.RAILWAY STATION, NORTH ERNAKULAM.

4. THE JOINT R.T.O., ALUVA.

BY GOVERNMENT PLEADER SRI.M.S.BREEZ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R.BASANT, J.

W.P.C.No.27465 of 2007

Dated this the 18th day of September 2007

J U D G M E N T

The petitioner has come to this court with the grievance that necessary clearance certificate as applied by the financier is not being issued by the fourth respondent, that is the Joint R.T.O, Aluva. The said official is not issuing the clearance certificate for want of intimation from the second respondent that the vehicles in question are not in any way involved in any crime. The second respondent is conducting the investigation in crime No.1439/2005 of Aluva police station which has subsequently been transferred for investigation to the second respondent. That crime has been re-registered as R.C.No.5/S/2006 by the second respondent and the investigation is in progress.

2. The learned Standing Counsel for the second respondent submits that the investigation has only commenced now and it will not be possible for the second respondent to take any specific stand on the question whether the vehicles are involved in the crime which is being investigated by them. The

learned Standing Counsel for the CBI prays that the CBI may be granted at least three months time to conduct investigation/enquiry into this aspect and report whether vehicles are involved in the crime or not.

3. I accept the said request of the learned Standing Counsel for the second respondent.

4. This petition is in these circumstances dismissed with the observation that the second respondent must take expeditious steps to conduct necessary investigation/enquiry on the relevant aspects and take a definite stand within a period of three months from this date. The option of the petitioner to approach this court again, if no such stand is taken by the second respondent, shall remain unfettered.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007